

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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RANDALL WIIDEMAN,

Plaintiff,

vs.

CHERYL BURSON,

Defendant.

2:10-CV-02259-PMP-GWF

ORDER

Before the Court for consideration is Defendant's Motion to Dismiss Plaintiff's Complaint (Doc. #18) filed June 2, 2011. Plaintiff Wiideman filed an Opposition to Defendant's Motion to Dismiss (Doc. #20) on June 9, 2011, and a Supplement thereto (Doc. #22) on June 24, 2011. The defendant did not file a reply memorandum.


Having reviewed the foregoing, the Court finds that Plaintiff Wiideman is correct that Defendant Burson's Motion to Dismiss (Doc. #18) must be treated as a Motion for Summary Judgment in accord with Rule 56 of the Federal Rules of Civil Procedure. Given the materials relied upon by Defendant to support her motion, which is outside the pleadings the Court finds it appropriate it to defer consideration of relief requested by Defendant until after the parties have completed discovery.

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1 **IT IS THEREFORE ORDERED** that Defendant's Motion to Dismiss
2 Plaintiff's Complaint (Doc. #18) is **DENIED** without prejudice to file an appropriate
3 Motion for Summary Judgment upon completion of discovery in this case.

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5 DATED: July 1, 2011.

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8 PHILIP M. PRO
9 United States District Judge
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